

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICK LEVILAIN,)
) CASE NO. C10-341-TSZ
Petitioner,)
)
v.)
) REPORT AND RECOMMENDATION
A. NEIL CLARK, Field Office Director, U.S.)
Immigration and Customs Enforcement,)
)
Respondent.)
_____)

On March 2, 2010, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”). (Dkt. No. 6.) On April 16, 2010, however, respondent filed a Return and Motion to Dismiss, indicating that petitioner had since been given an individualized bond redetermination hearing, and was granted bond in the amount of \$20,000. (Dkt. No. 12.) On May 14, 2010, respondent filed a Motion to Amend Return and Motion to Dismiss, along with documentation, indicating that on or about April 14, 2010, petitioner posted bond in the amount of \$20,000, and was released from immigration custody. (Dkt. No. 14, Ex. A.) Respondent asserts that because petitioner has been accorded all the relief sought in his habeas

01 petition – release from detention – his Petition for Writ of Habeas Corpus is now moot and
02 should be dismissed. *Id.*

03 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
04 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.
05 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no
06 longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as
07 moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the
08 District Court properly dismissed plaintiff’s claims that had become either moot or unripe).
09 Accordingly, I recommend that this action be dismissed. A proposed Order accompanies this
10 Report and Recommendation.

11 DATED this 20th day of May, 2010.

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14 Mary Alice Theiler
15 United States Magistrate Judge
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